

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

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Home Department (Passports)

Notification

HD/33/3588/71-C

In exercise of the powers conferred by Section 46 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (6 of 1964) and in supersession of the Government Notification No. HD/33/8019/67 dated 25-9-1967 published in the Government Gazette No. 27, Series I dated 5-10-1967, the Government of Goa, Daman and Diu hereby makes the following Rules, namely:—

1. *Short Title and Commencement.*— (1) These rules may be called the Goa, Daman and Diu Disposal of Immovable Evacuee Property Rules, 1977.

(2) They shall come into force at once.

2. *Procedure for sale of immovable evacuee property by public auction.*— (1) Where any immovable property is to be sold by auction, it shall be sold through an officer appointed or auctioneer approved by the Government.

(2) The terms and conditions on which auctioneers may be appointed shall, from time to time, be determined by the Government.

(3) The Custodian or any officer authorised by him in his behalf shall cause a proclamation of the intended sale to be made in English or Marathi or Konkani in the District of Goa and English or Gujarati in the District of Daman and Diu.

(4) Notice of the intended sale shall be given 30 days before the proposed sale and every such notice shall set the date, time and place of proposed sale, the description of the immovable property to be sold, its locations and boundaries where possible the terms and conditions of sale any other particulars which the Custodian or any other officer considers material.

(5) One copy of the notice shall be affixed on conspicuous part of the immovable property to be sold. It shall be in the discretion of the Custodian to advertise the sale in newspapers or in such other manner as he may deem fit.

(6) Every auction of the immovable property under these rules shall be subject to a reserve price

fixed in respect of the immovable property and such reserve price may not be disclosed.

(7) The officer conducting the auction may, in his discretion with-hold the sale of any immovable property without assigning any reasons therefor.

(8) The Officer conducting the auction may, at his discretion, for reasons to be recorded in writing, adjourn the sale to a specified date and hour and an announcement to that effect shall be made at the time of the adjournment for the sale provided that when the sale is adjourned for a period extending fourteen days, a fresh notice shall be published.

(9) No officer or other persons having any duty to perform in connection with the valuation or sale of any immovable property shall either directly or indirectly bid for or otherwise acquire any interest in such immovable property.

(10) The person declare as the highest bidder for the immovable property, at the auction shall pay in cash or Bank Draft or in any such other form as may be required by the Custodian or the officer conducting the sale, immediately on the fall of hammer, a deposit not exceeding twenty per cent of the amount of his bid to the officer conducting the sale and in default of such deposit the property may be resold.

(11) The bid in respect of which the initial deposit has been accepted shall be subject to the approval of the Custodian or an Officer, appointed by him for the purpose.

Provided that no bid of immovable property shall be approved until after the expiry of a period of 7 days from the date of auction.

(12) Intimation of the approval of the bid or its rejection shall be given to the highest bidder (hereinafter referred to as "auction purchaser") by registered post acknowledgement due and the auction purchaser shall, where the bid has been accepted, be required within 15 days of the receipt of such intimation to deposit the balance of the purchase money.

Provided that the Custodian or other officer appointed by him may, for reasons to be recorded in writing extend the aforesaid period of 15 days by such period as the Custodian may think fit.

(13) If the auction purchaser does not deposit the balance of the purchase money within the period specified in sub-rule (12), the initial deposit made by the auction purchaser under sub-rule (10) shall be liable to forfeiture and the Custodian shall be

entitled to resell the immovable property at the risk and cost of the defaulting auction purchaser.

(14) Where the purchase price has been realised in full from the auction purchaser, the Custodian shall issue to him, a Sale Certificate which shall be stamped and registered at the cost of the auction purchaser.

3. *Procedure for setting aside sale.* — (1) Where a person desires that the sale of any immovable property made under the aforesaid rules should be set aside because of any alleged irregularities or fraud, in the conduct of sale, he may make an application to that effect to the Custodian or any other officer authorised by him in this behalf.

(2) Every application for setting aside the sale under these rules shall be made within seven days from the acceptance of the bid when the sale is made by public auction.

(3) If after consideration of the facts alleged, the officer to whom the application is made under these rules is satisfied that any material irregularity or fraud has been committed in the publication or conduct of the sale, he may make an order that the property may be re-auctioned.

Provided that no sale can be set aside under these rules unless upon the facts proved, such officer is satisfied that the applicant has sustained substantial injury by reason of irregularity or fraud, as the case may be.

(4) Notwithstanding anything contained in these rules, the Custodian may, on his own motion or on a reference made in this behalf by the Government, at any time, set aside sale under these rules if he is satisfied that any material irregularity or fraud, which has resulted in a substantial injury to any person, has been committed in the conduct of the sale.

Provided that no such sale shall be set aside after the expiry of one year from the date of the completion of sale unless the opportunity has been given to the purchaser to appear and be heard.

4. *Rules applicable for disposal of composite immovable property.* — The above rules shall apply as far as may be possible for the disposal of composite immovable property which is jointly owned by an evacuee and a non-evacuee.

5. *Reserve price.* — The reserve price shall be fixed by the Custodian with the help of the Mamlatdar or Collector of the Revenue Department and/or Director of Agriculture, in case of sale of land, and with the help of Chief Engineer of Public Works Department or his nominee in other cases.

6. *Acceptance of bid.* — The Custodian shall not accept the bid below the reserve price. If the bid is less than the reserve price, the immovable property shall be disposed off by re-auction. If at the second auction, the highest offer is less than the reserve price, the Custodian may, at his discretion accept the offer.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

K. B. Verekar, Under Secretary (Home).

Panaji, 12th June, 1978.

Local Administration and Welfare Department

Notification

6-48-76-LSG

In exercise of the powers conferred by section 59 of the Children Act, 1960 (Central Act 60 of 1960), the Administrator of Goa, Daman and Diu hereby makes the following rules, namely: —

CHAPTER I

Preliminary

1. *Short title.* — These rules may be called the Goa, Daman and Diu Children (Management, Functions and Responsibilities of Special Schools, Children's Homes and Observation Home) Rules, 1978.

2. *Definitions.* — In these rules, unless, the context otherwise requires,

a) "Act" means the Children Act, 1960 (Central Act 60 of 1960);

b) "Administrator" means the Administrator of Goa, Daman and Diu;

c) "Chief Inspector" means the Chief Inspector of Special Schools, Children's Homes and Observation Homes appointed under rule 3 of the Goa, Daman and Diu Children Rules, 1972;

d) "Committee" means an Advisory Committee appointed under rule 31;

e) "Government" means the Government of Goa, Daman and Diu;

f) "Governing Body" means a body of management required under sub-rule (2) of rule 42 of the Goa, Daman and Diu Children Rules, 1972;

g) "Institution" means a Children's Home, Special School, or an Observation Home;

h) "Section" means a section of the Act; and

i) "Superintendent" means a person appointed as such for the control and management of any of the institutions referred to in sub-rule (1) of rule 42 of the Goa, Daman and Diu Children Rules, 1972.

CHAPTER II

Control, management, functions and responsibilities of Children's Homes, Special Schools and Observation Homes established and maintained under sub-section (1) of section 9, 10 or 11 of the Act

3. *Appointment of Superintendent.* — For the control and management of an institution established and maintained by the Government under section 9, 10 or 11, a Superintendent shall be appointed in accordance with the recruitment rules framed by the Government for the purpose.

4. *Superintendent to be subordinate to Chief Inspector.* — In all matters in respect of which he is not invested with sole authority, the Superintendent shall be subordinate to, and subject to the control of, the Chief Inspector.

5. *Staff of the institution to be subordinate to Superintendent.* — The staff of the institution shall be subject to the control of the Superintendent. The Superintendent shall by order determine their duties.

and shall keep the Chief Inspector informed of the orders made by him from time to time.

6. *Obligation to stay in quarters.*—The Superintendent and such other staff, as the Chief Inspector may determine, shall live in the quarters provided for them.

7. *Previous sanction required to leave Station.*—Without the written sanction of the Chief Inspector, the Superintendent shall not absent himself from the Station, save in case of brief absence for official or personal work.

8. *Duties of Superintendent.*—It shall be the duty of the Superintendent.—

(a) to ensure that the institution and its campus is maintained in conditions of cleanliness, sanitation and hygiene and that peace and harmony and atmosphere of homeliness and cheer prevails therein;

(b) to see that every inmate gets opportunities for proper growth and development according to his need;

(c) to see that every inmate is being given educational facilities for the development of his character and abilities and training as contemplated in the Act;

(d) to see that every member of the staff of the institution behave with tact, patience and good temper; and does exert or be an unhealthy influence in the institution;

(e) to be present or ensure that a member of the staff is present at the time of meals of the inmates;

(f) to acquaint himself with the conduct and character of every inmate, his progress in education, industrial or occupational training, and to supervise the conduct of the class rooms, workshop, etc. if any;

(g) to mix freely among the inmates and to hear and attend to the complaints of the inmates, if any, every day;

(h) to see that every inmate is provided with proper and separate clothing, bedding, utensils, books, stationery, etc.;

(i) to supervise the work entrusted to the staff appointed in the institution;

(j) to ensure that some responsible member of the staff is always present on the premises of the institution;

(k) to supervise the sleeping arrangements of the inmates in the dormitories at night personally or to depute one of his staff members for this work and to take occasional rounds at night; provided that in no case a male staff member shall be deputed for this duty in an institution for girls;

(l) to keep the keys of the dormitories in his quarters during the night which shall on no account, be removed without his permission;

(m) to keep a care-taker or watchman on duty by day and by night in the institution, who shall make a round of the institution at frequent intervals;

(n) to see that the children are not employed for personal work of any of the staff members;

(o) to carry out such other functions as are expedient in securing the objects of the Act and in the interest of welfare of the inmates and good management of the institution and further to carry out such other functions as may be assigned by the Chief Inspector from time to time;

Provided that the Provision of clauses (l) and (m) shall not apply:—

(i) in the case of Superintendent of an open institution for boys and

(ii) in the case of Superintendent of an open institution for girls if provision for posting a special guard during night is made at such institution.

Explanation.—In this rule "Open Institution" means an institution dormitories whereof are not locked.

9. *Superintendent to report important incidents.*—The Superintendent shall immediately report.—

(a) to the Chief Inspector, every case of

(i) escape or recapture,

(ii) serious breach of the rules of the institution,

(iii) serious illness, accident or injury,

(iv) death, and

(v) out-break of epidemic disease and measures taken to prevent its spread;

(b) to the authority under whose orders the child was kept in the institution, every case of escape and death;

(c) to the police every case of death, accident, escape and recapture of an inmate, and

(d) to the parents or in the case of an inmate who is an orphan, to the near relative of the inmate, every case of admission, escape, serious illness or injury, and death.

10. *Superintendent to maintain case registers.*—The Superintendent shall maintain or arrange to be maintained individual case records of the inmates and such registers of admission, discharge, escape, release on licence or otherwise and of accounts as may be specified by the Chief Inspector, from time to time.

11. *Superintendent to invite tenders for supplies and to submit them to Chief Inspector for approval.*—The Superintendent shall invite tenders for supplies to the institution and submit them to the Chief Inspector for his approval subject to the administrative procedures and orders laid down by the Government. He shall incur expenditure on food, clothing, bedding, education, recreation, medical, laundry, haircutting, and other items according to the approved tenders and shall keep accounts thereof. No contractor shall be engaged for supply of food, meals or clothes to the inmates.

12. *Superintendent to submit expenditure statement to Chief Inspector.*—Every Superintendent shall submit a detailed expenditure statement in connection with the institution to the Chief Inspector every month. The Chief Inspector may call for the respective bills for post audit.

13. *Superintendent to submit estimate of maintenance charges to Chief Inspector.* — Every Superintendent shall submit annually to the Chief Inspector at the time and in the form approved by the Government from time to time, a budget estimate of the charges of maintenance of the institution.

14. *Superintendent to keep watch on receipts and expenditure.* — Every Superintendent shall keep a constant watch over the receipts and expenditure of the institution and he shall satisfy himself by frequent inspections that the registers and account books are properly written, that cash balances correspond with those entered in the books, that the daily entries are made in the cash book, and that outstandings are not allowed to accumulate. The Superintendent shall be responsible for any defalcation on the part of the staff of the institution rendered possible by negligence on his part.

15. *Superintendent to watch supplies to inmates.* — The Superintendent shall satisfy himself by frequent inspections of the dietary articles, account books and of the food purchased and by inquiry into the bazar rates that full amount of the food is purchased, that the rates are reasonable and that the inmates obtain their full rations.

16. *Returns.* — The Superintendent shall submit to the Chief Inspector such returns as may be specified by him from time to time.

17. *Quarantine.* — Every child admitted to an observation home shall be kept in quarantine till such time he is medically examined and certified to be physically and mentally fit and free from disease, but not exceeding seven days, unless such child has already under-gone such medical examination and the medical report is received by the Superintendent.

18. *The Superintendent to effect search of children received in institution.* — The Superintendent shall see that every child received in the institution is searched, that he is cleaned, that his personal effects are inspected and that any money or valuables found with or on the person of the child are kept in the safe custody of the Superintendent:

Provided that girls shall be searched by a female member of the staff and with due regard to decency.

19. *Articles found on search and inspection to be taken possession of and entered in register.* — (1) All money, valuables and other articles found with or on the person of the child received in the institution shall be taken possession of by the Superintendent for safe custody and a register of all such money, valuables and other articles shall be maintained in every institution.

(2) On a child being received in the institution the money, valuables and other articles found with him or on his person on search and inspection under rule 18 and taken possession of, shall be entered in such register, and the entries relating to him shall be read over to him in the presence of a witness whose signature shall be obtained in token of correctness of such entries. All such entries shall be countersigned by the Superintendent.

(3) Entries shall be made in such register showing in respect of every such search and inspection. —

(a) what articles, if any, are respectively destroyed, sold and stored;

(b) in the case of articles sold, the amount realised from them!

(c) the return to him of any money, valuables or articles at the time of release or otherwise.

(4) All such entries in such register shall be attested by the Superintendent.

20. *Disposal of property.* — The property other than money or valuables belonging to a child received or detained in an institution shall be disposed off in the following manner, namely: —

(a) if it consists of obscene pictures or literature, tobacco, snuff, opium, drug or liquor, or perishable articles of trivial value, it shall be destroyed;

(b) if it consists of perishable articles of more than trivial value, it shall be sold by auction as soon as possible and the proceeds kept in safe custody by the Superintendent;

(c) the clothing, bedding or other articles of such child shall be destroyed if the Superintendent considers it essential on hygienic grounds or considers them to be worthless, or if the clothing and bedding is ragged. The clothing, bedding and other articles of children found to be suffering from any infections or contagious disease shall be burnt;

(d) clothing, bedding and other articles not covered by the provisions of clauses (a), (b) and (c) shall, after being washed and disinfected, if necessary, be made up into a bundle or bundles and suitably stored. The Superintendent shall be responsible for their safe custody.

21. *Staff not to buy articles at auction.* — No person on the staff of the institution shall, whether directly or indirectly, bid at the auction of, or purchase, any property auctioned under these rules.

22. *Disposal of property after passing of order by competent authority.* — (1) On the competent authority making an order other than directing the child to be sent to a children's home or a special school in respect of any child, his money and valuable and such of his articles as are not destroyed or disposed of, together with the proceeds of such of his articles as have been sold, shall, at the time of his release, be handed over to him in the presence of the Superintendent and the Superintendent shall take the signature or thumb impression of the parent or guardian of the Child and/or the child in the column provided for the purpose in the register maintained under rule 19, in token of his having received such money, valuables, articles and proceeds. If the clothing/beddings have been destroyed, in pursuance of clause (c) of rule 20, the child shall be provided with fresh clothing/bedding at Government cost.

(2) (i) On an order made by the competent authority in respect of any child, directing the child to be sent to a children's home or a special school, the Superintendent shall deposit such money together with the sale proceeds realised under clause (b) of rule 20 in the manner prescribed by the Administrator from time to time in the name of the child.

and the account book shall be kept with the Superintendent. His valuables, clothing, bedding, and other articles, if any, stored under clause (d) of rule 20 shall be kept in safe custody.

(ii) When such child is transferred from one institution to another, all his property, valuables and account book in the custody of the Superintendent shall be sent along with him to the Superintendent of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.

(iii) At the time of the release of such child, the property, valuables, etc. kept in safe custody and the money deposited in his name shall be handed over to him or to his parent or guardian, as the case may be, and an entry made in that behalf in the register maintained under rule 19. Such entry shall be signed by the Superintendent.

23. Disposal of property of children dying or escaping before release. — (1) When an inmate of an institution dies therein the property left by the deceased and the money deposited in his name shall be handed over by the Superintendent to any person who establishes his claim thereto and executes an indemnity bond. A receipt shall be obtained from such person for having received such property and the amount. If no claimant appears within a period of one year from the date of death of such inmate, the property shall be sold by auction to the highest bidder and the sales proceeds thereof together with the money lying in deposit in the child's name, shall be credited to the Welfare fund of the institution and entry shall be made to that effect in the Register maintained under rule 19.

(2) When a child kept in an institution escapes therefrom or fails to return thereto after the expiry of the period of absence permitted to him, the property left by him and the amount deposited in his name shall be kept in safe custody by the Superintendent of such institution for a period of one year from the date of escape of such child or the date on which such child should have returned thereto, as the case may be. If within the said period such child is not arrested and sent back or does not return to the institution, such property and amount shall be disposed of by the Superintendent in the manner prescribed under clause (1) in respect of unclaimed money and property of deceased or untraceable inmates.

24. Superintendent to report cases of release in time. — Whenever it appears to the Superintendent that a child will attain the age of eighteen years in the case of a boy or twenty years in the case of a girl before expiry of a period of a stay, he shall, six months prior to the attaining by the child of the age of eighteen years in the case of a boy and twenty years in the case of a girl, place the child before the Committee and the medical officer of the institution where such arrangements exist for his/her examination and submit the case to the Chief Inspector for discharge under section 45 of the Act.

25. Procedure to be followed in release cases. — (1) The Superintendent shall place each inmate before the Committee, with a view to consider his release on licence before the expiry of his period of detention in accordance with the instructions issued from time to time in this behalf by the Chief Inspector.

(2) Timely information of the release of an inmate and of the probable date of his release shall be given to his parent or guardian and the parent or the guardian shall be invited to come to the institution to take charge of the inmate on that date. If necessary, the actual expenses of the parents or guardian's Journey both ways and of the child's journey from the institution shall be paid to the parent or guardian by the Superintendent at the time of the release of the child. If the parent or guardian, as the case may be, fails to come to take charge of the child on the appointed date, the child shall be taken to his native place by the escort of the institution at Government cost.

(3) Children may be escorted by the Superintendent, Probation Officer or any staff member of the institution as deemed fit by the Superintendent. The Superintendent may also ask for police escort to escort children.

Provided that girls shall be escorted by a female escort.

(4) At the time of release or discharge, a child may be provided with one set of clothing at Government cost if the Superintendent deems it necessary.

(5) If the inmate has no parent or guardian he may be sent at Government cost, to an after-care organisation or in the event of employment having been found for him, to the person who has undertaken to employ him.

26. Superintendent to order discharge of inmate on due dates. — (1) The Superintendent shall order the discharge of any child the period of whose detention has expired and inform the Chief Inspector within seven days of the action taken by him. If the date of release falls on a Sunday or any other public holiday, the child may be released on the preceding day, entry to that effect being made in the register of discharge. The Superintendent shall, in appropriate cases order the payment of subsistence allowance to the child for his home journey or place of rehabilitation at such rates as may be fixed by the Government from time to time and also the railway and/or road and/or ship fare, as the case may be.

(2) In deserving cases, the Superintendent may provide the child with such small tools or equipment or goods as may be necessary to start a business, subject to such maximum cost as may be fixed by the Administrator.

(3) The Superintendent may, subject to the approval of the Chief Inspector, allow at their own request such inmates as have no place to go, to stay in the institution after the period of their detention has expired, till some other suitable arrangements are made. Such extension of stay may also be granted in case of such inmates as may be required to stay in order to complete a course or stage of education, or to complete medical treatment. Provided such stay shall not exceed the duration of three months. However, the Chief Inspector may on the recommendation of the Superintendent grant permission for further stay upto six months, such stay beyond the due date of release being treated as an authorised voluntary stay of the inmate in the institution. The inmate shall be shown as discharged on the due date of release but a note recorded in the remarks column of the Admission

Register to the effect that the inmate has been permitted to stay in the institution on voluntary basis.

Provided that the inmate shall, on being permitted to continue at the institution after the date of release be subject to the same discipline and rules by which he was governed during his detention period.

27. *Admission of outsiders to institution.*—No stranger shall be admitted to the institution except with the permission of the Chief Inspector or the Superintendent.

28. *Superintendent to show to Chief Inspector or his representative and to Committee members working of the institution.*—The Superintendent shall accompany the Chief Inspector or any other Inspecting Officer of the Directorate of Social Welfare and the members of the Committee during their inspection of, or visit to, the institution.

29. *Annual report.*—The Superintendent shall, on the expiry of each financial year, draw up and submit to the Chief Inspector, a report referring to all subjects of interest and giving a brief account of the working of the institution during the year.

30. *Institutions to provide educational and other training facilities.*—In every institution, children shall be provided with adequate educational and training facilities and recreational and leisure time activities and care shall be taken to see that they do not remain idle.

31. *Advisory Committee.*—For every institution established under sub-section (1) of section 9, 10 or 11 of the Act there shall be appointed an Advisory Committee.

32. *Constitution of Advisory Committee.*—(1) The Advisory Committee shall consist of not less than 8 and not more than 13 members, of whom not less than 3 and not more than 8 shall be non-official members as decided by the Administrator. Out of the non-official members there shall be at least one lady member.

(2) The Administrator shall nominate the President of the Committee. — In the absence of the President, the Committee may elect a President from amongst the members present to carry out the proceedings of the meeting.

(3) The non-official members shall be appointed by the Administrator after considering the recommendations of the Chief Inspector.

(4) In the case of an Advisory Committee appointed for an institution intended for girls there shall be not less than two lady non-official members.

(5) Three members shall form a quorum for a meeting of the Committee.

(6) The Superintendent of the Institution shall be the ex-officio Secretary of the Committee.

33. *Tenure of non-official members.*—(1) The non-official members shall hold office for a term of two years from the date of appointment. They shall be eligible for re-appointment.

(2) The tenure of appointment of a non-official member may, without assigning any reason, be terminated by the Administrator at any time.

(3) A non-official member may resign his appointment without assigning any reason, at any time, and such resignation will be valid only on acceptance by the Administrator.

(4) Any casual vacancy among the non-official members shall be filled by appointment of another non-official who shall hold office so long as the person in whose place he is appointed would have held it if the vacancy had not occurred.

34. *Functions of Committee.*—The duties of the members of the Committee shall be as follows:—

a) to visit the institution once a month in rotation which will be drawn up by the Superintendent after consulting the members; at least one member shall visit the institution every month;

b) to attend quarterly meetings which shall be held in the months of January, April, July and October to make recommendations on—

i) cases of inmates for release on licence; and

ii) any other matters connected with the progress of the institution and welfare of the inmates in general or in particular.

35. *Visitors Book.*—A Visitor's Book shall be maintained in which the persons authorised to visit the institution shall record the dates of their visits with any remarks or suggestions which they may think proper. The Superintendent shall forward a copy of every such entry to the Chief Inspector with such remarks as he may desire to offer in explanation or otherwise and thereupon the Chief Inspector shall issue such orders as he may deem proper.

36. *Advisory Committee Book.*—In every institution besides a general visitor's book, there shall be maintained a separate Advisory Committee Book in which minutes of the proceeding of each quarterly meeting of the Advisory Committee shall be recorded and wherein members of the Committee shall also record the dates of their visit with any remarks or suggestions they may have to make. The minutes shall be signed as soon as possible by the presiding authority. Copies of the minutes shall be supplied to every member of the Committee and the Chief Inspector within a fortnight from the date of the meeting. The Chief Inspector may pass such orders as he may deem necessary on such minutes. The Superintendent shall send a copy of such orders to the members concerned.

37. *Medical care in institution.*—(1) Every institution shall provide adequate medical facilities to the children and shall have such medical staff as may be necessary. In the absence of the Medical Officer, staff or medical facilities, medical examination and treatment services shall be provided by the Government Hospital of the area in which the institution is located, free of all charges.

(2) A thorough medical examination including the recording of weight of all the children admitted in an institution, leper asylum or mental hospital under the provision of the Act shall be held at least once a quarter and such medical treatment as may be necessary shall be provided. A report of medical exa-

mination shall be made out by the Medical Officer in the form prescribed by the Chief Inspector and submitted to the Superintendent within seven days.

(3) Immediate action, in accordance with the provisions of section 47 of the Act, shall be taken in respect of the child who is/was suffering from leprosy or is/was found to be of unsound mind.

38. *Medical Examination of Children.* — Each child admitted in an institution shall be medically examined by the Medical Officer of the institution or the Government Hospital of the area in which the institution is located within forty eight hours or in special case within seventy two hours of his admission to the institution and also in the case of a child known to be awaiting removal to another institution, within a similar period before such removal, and further at any other time or times that may be considered necessary by the Medical Officer or the Superintendent. Such examination shall include any steps necessary to ascertain whether venereal disease is present in cases where reason exists to suspect its presence. Such examination may take place either at the institution or office of the Superintendent or if the Medical Officer so desires at the Government Hospital. A medical examination report in the form prescribed by the Chief Inspector shall be made out in respect of each child by the Medical Officer conducting the medical examination and furnish the same to the Superintendent not later than seven days from the date of medical examination.

39. *Medical Officer.* — (1) The Medical Officer of an institution shall attend the institution daily at fixed hours, except on Sundays and public holidays; and on Sundays and holidays also, if and when necessary, or on being called by the Superintendent, and shall keep such registers and returns as shall be directed by the Chief Inspector or the Director of Health Services, Goa, Daman and Diu or the Dean, Goa Medical College, from time to time.

(2) The Medical Officer shall, besides conducting medical examination, render such medical treatment as may be necessary.

(3) The Medical Officer shall advise the Superintendent regarding the health and diet of the inmates, sanitation and hygiene of the institution and all other matters connected with the health of the inmates and staff of the institution.

(4) The Medical Officer shall attend the Advisory Committee meetings as its ex-officio member.

(5) The Medical Officer shall visit the inmates of the institution admitted to the hospital for indoor treatment and acquaint himself with condition, treatment and progress of the patient and also keep the Superintendent informed about it.

(6) On each visit to the institution, the Medical Officer shall enter his remarks in a register to be maintained for the purpose.

(7) The Medical Officer shall accompany the Chief Inspector on rounds during his inspection of the institution.

40. *Surgical treatment on inmates.* — No surgical treatment shall be carried out on an inmate without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found

or the condition of the inmate is such that any delay would, in the opinion of the Medical Officer, involve unnecessary suffering or injury to the health of the inmate.

41. *Medicines to be purchased for institution.* — All medicines required for the institution shall be indented for from the Government Medical Stores Deptt., Bombay, or any other stores specified by the Administrator in this behalf and in case of urgent necessity may be purchased locally under intimation to the Chief Inspector.

42. *Psychological and Psychiatric Services.* — Psychological tests and Psychiatric treatment where necessary shall be arranged for the inmates of the institution through the Department of Psychiatric, Goa Medical College.

43. *Diet.* — (1) The diet issued to all the inmates of the institution shall be in accordance with the Schedule prescribed by the Chief Inspector from time to time. Such Schedule shall be displayed on the notice board of the institution.

(2) No institution shall so arrange for the supply of articles of food and clothing and bedding as to render the same contractor exclusively responsible for the supply of all the requirements of the institution during a specified period.

44. *Time-Table.* — (1) Every institution shall follow the time-table approved from time to time by the Chief Inspector.

(2) The approved time-table of the institution shall be displayed on the notice board.

45. *Education and training.* — All inmates shall attend regularly the school and industrial craft/vocational classes and work within or outside, according to the direction of the Superintendent and do the work in the institution assigned to them:

Provided that no inmates shall be employed in such manner as to impair his capacity for profiting by instruction or depriving him of reasonable recreation or leisure.

46. *Daily routine of inmates.* — The daily routine of the institution and the employment of the inmates of the institution during the various hours of the day shall be fixed by the Superintendent in consultation with the Committee and with the approval of the Chief Inspector.

47. *Exemption from attending classes.* — (1) Exemption from attending classes or work may be granted by the Superintendent under intimation to the Chief Inspector.

(2) Any exemption granted by the Superintendent under this rule shall be brought to the notice of the Inspecting Officers at the time of inspection. No exemption shall be granted from attending literacy classes until a child is fully literate, that is to say, until a child has reached the fourth standard.

(3) Inmates who are granted exemption under this rule shall devote the school hours for such additional industrial training/craft/vocation as may be specified by the Superintendent.

48. *Industries/Craft/Vocations to be introduced with the approval of Chief Inspector.* — Industries/Craft/Vocations taught at the institution shall have the previous approval of the Chief Inspector and competent instructors shall be employed for each trade taught in the institution.

49. *Rewards and earnings.* — (1) Rewards to the inmates at such rates as may be fixed by the Administrator from time to time may be granted by the Superintendent as an encouragement to steady work and good behaviour.

(2) At least half the amount shall be deposited in the manner prescribed by the Administrator from time to time in the name of the inmate and the account book shall be kept with the Superintendent. The rest may be permitted to be spent by the inmate as pocket money on purchase of articles such as suitable books, sweets, toys, articles of personal use, etc. on fixed days of the week.

(3) Out of the income earned by an inmate working outside, at least three fourths shall be deposited in the manner prescribed by the Administrator from time to time in the name of the inmate and the account book shall be kept with the Superintendent. The rest may be spent by the inmates as mentioned in sub-rule (2).

50. *Deposit money to be returned to inmates on their release.* — At the time of premature release of an inmate from institution, his account book shall be transferred to the Probation Officer, whose duty it is to supervise him. If the inmate is released on the expiry of the period of his stay ordered by the competent authority, the money deposited in his name shall be withdrawn by the Superintendent and handed over personally after obtaining a proper receipt, to the parent or guardian who comes to take charge of the inmate under sub-rule (2) of rule 25 and, if he does not come, to the inmate.

51. *Permission to parents and near relations to visit inmates and communications with them.* —

(1) The parents and known near relations of the inmates may be allowed to visit an inmate once a month or in special cases more frequently with the permission of the Superintendent. Time allowed for any visit shall not ordinarily exceed one hour but may be extended by the Superintendent at his discretion. The visiting hours shall be laid down by the Superintendent.

(2) The parent/guardian of an inmate shall not give anything to the inmate to eat except with the permission of the Superintendent.

(3) Receipt of letters by the inmates of the institution shall not be restricted and they shall have freedom to write as many letters as they like at all reasonable times but shall be entitled to have postage stamps affixed at the cost of Government on one letter only in a week.

(4) The Superintendent may peruse any letter written by or to an inmate, and may, for any reason that he considers sufficient, refuse to deliver or issue the letter and may destroy the same after recording his reasons in a book maintained for the purpose.

52. *Clothing and Bedding.* — Children shall be issued sets of clothing and bedding as per Schedule

prescribed by the Chief Inspector from time to time. Such Schedule shall be displayed on the notice board of the institution.

53. *Issue of general articles.* — The Superintendent shall ensure the proper issue of footwear umbrella, towel, bathing soap, washing soap, hair oil, tooth powder, comb, in case of all inmates and ribbons, bangles, hair pins, sanitary towels etc. to the girls as prescribed by the Chief Inspector from time to time.

54. *Punishment.* — (1) The Superintendent may punish inmate for indiscipline, misconduct, mischief, disobedience, deliberate damage to Government property or that of staff or inmates, etc. upon receipt of such complaint against any inmate. The Superintendent shall first enquire into the complaint and then order the punishment to be given to the inmate, against whom complaint is made, if necessary.

(2) The following forms of punishment shall not be awarded: —

- a) Corporal punishment,
- b) deprivation of food,
- c) solitary confinement.

(3) In awarding punishment, the Superintendent shall consider the nature of offence, age and health of the inmate. A punishment register shall be maintained and all complaints and punishments shall be recorded therein.

55. *Duties and responsibilities of care-takers.* —

(1) Every Care-taker who is provided a quarter on the premises of the institution shall reside in that quarter.

(2) The quarter and its surroundings shall be kept clean and tidy and in a state of proper sanitation by the Care-taker. No person except the care-taker to whom the quarter is allotted and family members dependent upon him shall reside in the quarter. No stranger or any person of dubious character, drunken or of criminal habits shall be allowed to visit or stay in the quarter.

(3) The Care-taker who is provided with a quarter shall be available for duty at all hours. He shall not absent himself from his quarter for long hours except with prior permission of the Superintendent and shall not absent himself longer than the duration for which he is permitted to be away.

(4) A Care-taker who is not provided with residential quarter on the premises of the institution shall give his full home address to the Superintendent and shall intimate the change, if any, immediately.

(5) Every Care-taker shall note the residential places of all the other staff members so that in case of emergency he could be deputed to call any one of them when so required, and shall do so honestly, faithfully and promptly.

(6) In case of illness or otherwise unable to come on duty a Care-taker shall inform the Superintendent in time.

(7) A Care-taker shall be liable for departmental/legal action for the following: —

- i) wilfully or negligently permitting an inmate to escape;

ii) giving or attempting to give an inmate or taking out or attempting to take out from the institution any articles not allowed by the Superintendent;

iii) wilful disobedience or neglect of any rules, regulations or orders.

(8) No Care-taker while on gate-duty shall leave his post for any purpose until relieved.

(9) Every Care-taker shall keep himself, and his uniform clean and in order.

(10) No Care-taker shall lie down or sleep when on duty.

(11) No Care-taker shall take off any part of his uniform while on duty.

(12) A Care-taker shall not leave the keys in his charge lying about or hand over to any inmate under any circumstances or take the keys out of the gate.

(13) A Care-taker shall not bring spirits, charas, bhang, or any other intoxicating or prohibited material inside the institution or store such articles in his quarter.

(14) A Care-taker shall report to the Superintendent about any suspected person loitering about the premises.

(15) A Care-taker shall take all precautions against escape of an inmate and shall immediately report any plot for escape, for assault, etc. by an inmate or inmates which might come to his notice.

(16) A Care-taker shall report about any defective lock, door, window or any other fixtures, fittings and appliances to the Superintendent.

(17) A Care-taker shall see to the safety of all the property in the institution and in case anything is lying insecure he shall place it securely and report the same to the Superintendent.

(18) A Care-taker shall talk to an inmate politely and shall not use any abusive or offensive language or strike him except in self defence in which case he shall use minimum force.

(19) A Care-taker shall not discuss personal or official matters with or in the presence of inmates.

(20) A Care-taker shall see that the inmate follow the programme and do not wilfully break the rules.

(21) A Care-taker shall stop and then report destruction, damage, tampering or wasting of any article by inmates.

(22) A Care-taker shall report to the Superintendent about any sick inmate immediately and shall be responsible for giving medicines or other aid as advised.

(23) A Care-taker shall watch and report about any irregularity regarding personal hygiene on the part of inmates.

(24) A Care-taker shall see that the inmates' clothing, bedding, utensils and other articles are kept clean and in orderly manner in proper places.

(25) A Care-taker shall not allow any quarrel, indecent behaviour or mischief to occur.

(26) A Care-taker shall report at once if any inmate is missing.

(27) In case of escape of inmates, the Care-taker shall keep the other inmates back in their rooms and shall take necessary precaution to search for the escaped inmate immediately and shall take up any duty that may be allocated to him in that connection. Under no circumstances, an inmate shall be utilised for this work.

(28) A Care-taker shall perform such other duties as may be assigned by the Superintendent from time to time.

(29) A Care-taker shall not avail any leave, holiday etc., without prior permission of the Superintendent and till relieved properly.

(30) A Care-taker shall not argue, contest, protest, discuss any order given to him or work assigned to him except in writing and through proper channel.

(31) A Care-taker shall exercise due alertness, vigil and caution, at all times, for the security and safeguard of Government Property and of the inmates and for ensuring discipline, harmony, peace and tranquility in the institution and its campus.

(32) A Care-taker shall not be under the influence of alcohol or spirits of any description or other intoxicants and drugs and shall not smoke in the institution.

(33) A Care-taker shall at all times behave with tact, patience, good temper, politeness and display good manners.

56. *Uniforms for custodial staff to be prescribed by Chief Inspector.*—The Chief Inspector shall prescribe uniforms for Care-taker and other custodial staff. Such uniform shall be supplied at the cost of Government. The Chief Inspector shall sanction washing allowance from time to time as deem of fit.

57. *Maintenance of Registers.*—The Superintendent shall maintain in his office such registers and forms as may be prescribed by the Chief Inspector from time to time.

58. *Prohibited articles.*—(1) No person shall, except with the permission of the Superintendent of the institution, take into the institution a prohibited article.

(2) The following shall be the prohibited articles:—

- i) Alcohol and spirit of every description.
- ii) Bhang, Ganja, Charas and Opium.
- iii) Drugs of every description.
- iv) Tobacco in all forms.
- v) Material for producing fire.
- vi) Implements of gambling.
- vii) Any weapons or implements of every description which are capable of causing hurt or facilitating escape.
- viii) Any other articles specified in this behalf by the Superintendent by general or special orders.

59. *Welfare Fund.*—(1) For every institution there shall be a Welfare Fund.

(2) Every Superintendent is authorised to accept donations or contributions in cash or kind made to the Welfare Fund by the Public.

- (i) Where the amount of donation or contribution does not exceed Rupees Twenty five, without prior approval of the Chief Inspector.
- (ii) Where the amount of donation or contribution exceeds Rupees twenty five but does not exceed Rs. 100/- (One hundred) with prior permission of the Chief Inspector.
- (iii) In all other cases with the prior approval of the Administrator.

All such donations and contributions shall be acknowledged by the written official receipts bearing serial numbers.

(b) The Superintendent shall deposit all money collected for welfare fund in the nearest Government Treasury by opening a personal ledger account in his name by designation and shall keep a subsidiary account of the Welfare Fund.

(3) The amount standing to the credit of the Welfare Fund shall be spent for the following purposes, namely: —

- (i) to meet the contingent expenses in connection with the collection and operation of the Welfare Fund.
- (ii) to provide for the welfare and comfort of the inmates of those who have been released on licence from the institution including former inmates of the institution as the case may be;
- (iii) to provide for any new service for the inmates not covered under an approved scheme; and
- (iv) to provide for financial assistance to a former inmate of the institution for education, medical treatment, journey or expenses for interview or joining employment upon receipt of valid interview call or appointment order.

(4) The Superintendent may in consultation with the Advisory Committee and subject to the requirements of sub-rule (3) spend sums out of the Welfare Fund on any other object previously approved by the Committee.

Provided that no amount exceeding Rs. 25/- shall be spent without the previous sanction of the Chief Inspector.

(5) The Welfare Fund shall be operated upon by the Superintendent as the Drawing and Disbursing Officer, and he shall be responsible for the proper maintenance of account of the Fund.

(6) The following books shall be maintained separately in connection with the Funds: —

- 1) Cash Book.
- 2) Order Book.
- 3) Contingent Register.
- 4) Register of Donations received in kind.

(7) The accounts of the Funds shall be audited at the time of the annual audit of the accounts of the institution to which it relates.

60. *Donation in kind.* — Prior approval of the Administrator shall not be necessary in respect of acceptance of any donation in kind.

61. *Collection Boxes.* — (1) The Superintendent may instal collection boxes in his office which shall, subject to the provision of sub-rule (2), be kept locked and sealed.

(2) Every such box shall be opened at least once and not more than twice a month.

Provided that a box shall not be opened a second time during the same month unless a period of ten days has elapsed since it was first opened in that month. The amount so collected shall be credited to the Welfare Fund and shall be spent in the manner and for the purposes, specified for the Welfare Fund in rule 59.

CHAPTER III

Control, management, functions and responsibilities of non-Government Children's Homes, Special Schools, and Observation Homes recognised or certified under sub-section (2) of section 9, 10 or 11 of the Act

62. *Governing Body.* — Every institution recognised or certified under sub-section (2) of section 9, 10 or 11 shall have Governing Body approved by the Administrator, the members of which shall be deemed to be the managers of the institution for its proper control, functions, responsibilities and management.

63. *Functions of Governing Body.* — The Governing Body shall be responsible to see that: —

(1) the premises of the institution are maintained in a sanitary and hygienic condition and cheerful and pleasing atmosphere prevails therein to the satisfaction of the Chief Inspector;

(2) adequate water facilities for bathing, drinking, cooking and cleaning are provided at the institution;

(3) proper lighting arrangements are made;

(4) a separate kitchen is provided;

(5) wholesome and sufficient food, adequate and proper clothing, bedding and other articles according to the standard approved by the Chief Inspector are provided for every inmate;

(6) sleeping and dining accommodation is adequate for the number of inmates kept in the institution;

(7) adequate provision is made for indoor and outdoor games, recreation and leisure time activities;

(8) such medicines as are ordinarily required for houses-hold use are kept in stock and proper arrangements are made for medical treatment of inmates in case of sickness and as far as possible, full-time or part-time Medical Officer is employed to attend and treat inmates in the institutions to the satisfaction of the Chief Inspector;

(9) adequate arrangements are made for the education and training, as contemplated in the Act, of inmates either on the premises of the institution or in school or institution maintained or recognised by the Education Department of the

Government of Goa, Daman and Diu and suitable arrangements for teaching of crafts suited to the individual child are also made in the institution to the satisfaction of the Chief Inspector;

(10) if the institution admits both boys and girls, suitable arrangements for housing boys and girls separately and arrangements for proper supervision over the two sections are made to the satisfaction of the Chief Inspector;

(11) adequate and qualified staff, as approved by the Chief Inspector is maintained and quarters are provided for the essential staff on the premises of the institution; and

(12) discipline is maintained in the institution.

64. *Appointment of Superintendent.* — For the day to day working and management of the institution, the Governing Body shall appoint a suitably qualified and trained person as Superintendent for every institution. The terms and conditions of service of the Superintendent shall be determined by the Governing Body with the previous approval of the Chief Inspector.

65. *Delegation of powers.* — The Governing Body may delegate any of its functions to the Superintendent of the institution and/or any other authorised person or persons appointed by the Governing Body but it shall be the primary responsibility of the Governing Body to see that the institution is run smoothly and efficiently and to the satisfaction of the Chief Inspector.

66. *Action to be taken by Governing Body.* — The Governing Body shall be bound upon receipt of a directive from the Chief Inspector, to take disciplinary or other action including dismissal of service, against any employee found guilty after due inquiry to the Chief Inspector, of embezzlement, misappropriation, misconduct, inefficiency, ill-treatment to inmates of moral depravation or of drunken or criminal habits.

67. *Powers and duties of Superintendent.* — (1) The powers and duties of the Superintendent shall, as far as possible, be those as have been prescribed for the Superintendent of a Government institution in rules 8, 9, 10, 16, 18, 24, 25, 26, 28, 29 and 57.

(2) The Superintendent shall report to the Chief Inspector names of the members of Governing Body and any changes therein due to death, retirement or any other cause within fifteen days from the date of constitution of the Governing Body or the occurrence of the event, as the case may be.

(3) The Superintendent or any other person authorised by him in this behalf, shall keep the Chief Inspector informed of the important happenings in the institution under intimation to the Governing Body.

68. *Diet.* — The diet issued to all inmates shall, as far as possible, be in accordance with the Schedule laid down by the Chief Inspector to ensure healthy growth of the inmates. The Schedule approved by the Chief Inspector shall be sent to the Governing Body and shall be displayed on a board and it shall be the duty of the Governing Body to give effect to the suggestions, if any, made by the Chief Inspector in respect of such Schedule.

69. *Clothing and bedding.* — The scale of clothing and bedding to be issued to the inmates shall be such as may be approved by the Chief Inspector.

70. *Care-taking staff.* — The institution shall have adequate care-taking staff and take all necessary steps for the welfare and well being of the inmates and further take all necessary precautions to prevent escape of inmates.

71. *Certain provision of chapter II to apply to non-Government institution also.* — The provisions of rules 19 to 23, 25, 27, 30, 35, 38, 40, 44 to 47, 49 to 51, 55, 58 shall also apply to non-Government institution certified or recognised under sub-section (2) of section 9, 10 or 11 of the Act.

72. *Grant-in-aid.* — Every institution certified or recognised under section 9, 10 or 11 of the Act may during the period the certification or recognition is in force, be given grant-in-aid by the Government of Goa, Daman and Diu for the maintenance of children received by them under the provision of the Act, and the Goa, Daman and Diu Children Rules, 1972 and for expenses incurred under rules 25, 26, 49 and 51 of these rules at such rates, in such manner and subject to such rules, as may be determined by the Administrator from time to time.

73. *Audit of accounts.* — The Governing Body shall get the accounts of the institution audited annually by a registered or a Chartered Accountant as soon as the year is over and shall submit to the Chief Inspector the audited annual statement of accounts by such date as may be fixed by the Chief Inspector.

74. *Account Books to be opened for inspection.* — All account books bills, vouchers and other books of receipts and expenditure in respect of the institution shall be open to inspection and scrutiny by the Inspecting Officers of the Directorate of Social Welfare or any other officer nominated by the Administrator in this behalf at all reasonable times during working hours, with or without notice. It shall be the duty of the Superintendent and the Governing Body to produce all account books, bills, vouchers, etc. and to give the same to all aforesaid officers and to take prompt action on all the points raised by these officers with regard to such account.

75. *Inspection of institutions.* — Every institution shall be open to inspection at all reasonable times by the Chief Inspector, and inspecting officers of the Directorate of Social Welfare and by such other officers of the Government as may be authorised by the Administrator in this behalf.

76. *Proformae of various forms, registers, returns, etc.* — For purpose of these rules, the proformae of various forms, registers, returns, etc. shall be those as prescribed by the Chief Inspector from time to time.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

E. N. Rodrigues, Under Secretary (Revenue).

Panaji, 29th May, 1978.

Industries and Labour Department

Notification

1/306/73-LAB

Whereas the Lieutenant Governor of Goa, Daman and Diu is satisfied that is necessary in the public interest that the Inland Water Transport Industry including handling, movement or transportation of cargo by barges should be declared as Public Utility Service for the purposes of Industrial Disputes Act, 1947 (14 of 1947).

Now, Therefore, in exercise of the powers conferred under sub-section (vi) of clause (n) of

Section 2 of the said Act, the Lieutenant Governor of Goa, Daman and Diu hereby declares the Inland Water Transport Industry including handling, movement or transportation of cargo by barges to be Public Utility Service for the purposes of the said Act for a period of six months with effect from the date of publication of this notification.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 17th June, 1978.